

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DISCOVERY PATENT HOLDINGS, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 10-600-ER
)	
AMAZON.COM, INC.,)	
)	
Defendant.)	
)	

**JOINT STIPULATION REGARDING CONSOLIDATION OF RELATED CASES AND
NEW SCHEDULING ORDER¹**

WHEREAS, on March 17, 2009, Discovery Communications, Inc. filed a Complaint for Patent Infringement against Amazon.com, Inc. in the United States District Court for the District of Delaware, Civil Action No. 09-178-ER (D.I. 1);

WHEREAS, on July 14, 2010, Discovery Patent Holdings, LLC filed a Complaint for Patent Infringement against Amazon.com, Inc. in the present action, Civil Action No. 10-600-ER (D.I. 1);

WHEREAS, the infringement claims asserted by Discovery Patent Holdings, LLC in the present action and by Discovery Communications, Inc. in Civil Action No. 09-178 are substantively identical and concern the same patents;

WHEREAS, Discovery Patent Holdings, LLC asserts that it filed the present action because it became the legal title holder of the patents-in-suit in Civil Action No. 09-178 following a transfer of ownership to Discovery Patent Holdings, LLC, and because of a potential jurisdictional concern with respect to the claims of patent infringement against Amazon.com in Civil Action No. 09-178;

¹ The parties will file a substantively identical joint stipulation in the action styled *Discovery Communications, Inc. v. Amazon.com, Inc.*, Civil Action No. 09-178-ER.

WHEREAS, both actions have been assigned to the Honorable Eduardo Robreno and an efficient disposition of both cases and preservation of the Court's and parties' resources may be effected through consolidation of the actions;

WHEREAS, on July 15, 2010, Discovery Communications, Inc. filed a Motion for Voluntary Dismissal of Plaintiff's Claims Without Prejudice in Civil Action No. 09-178 (D.I. 147);

WHEREAS, for administrative convenience and for clarity, the parties request that upon the consolidation of the present action with Civil Action No. 09-178, the parties be permitted to make all further filings, and to serve all further notices, under Civil Action No. 10-600-ER as a consolidated action;

WHEREAS, the parties have recently met and conferred, and believe that it would be in the best interests of the parties and of judicial efficiency to continue the fact discovery cutoff to January 31, 2011;

WHEREAS, the parties believe that this continuance is necessary in view of the complexity of the case, the number of third party witnesses to be deposed, and the schedules of the various witnesses to be deposed;

NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, THROUGH THEIR UNDERSIGNED COUNSEL, SUBJECT TO THE APPROVAL OF THE COURT, AS FOLLOWS:

1. Discovery Communications, Inc. respectfully withdraws its Motion for Voluntary Dismissal of Plaintiff's Claims Without Prejudice in Civil Action No. 09-178 (D.I. 147);
2. The parties stipulate to the dismissal without prejudice of Discovery Communications, Inc.'s claims in Civil Action No. 09-178;
3. The parties stipulate to the consolidation of Defendant Amazon.com, Inc.'s counterclaims in Civil Action No. 09-178 with the present case, Civil Action No. 10-600;

4. Subject to the proposed continuance of the discovery cutoff, the parties stipulate to the adoption of the case schedule, briefing, discovery, and orders from Civil Action No. 09-178 into the present case, Civil Action No. 10-600;

5. All further filings and notices for the present action and for Civil Action No. 09-178 shall be filed and noticed under Civil Action No. 10-600-ER as a consolidated action;

6. No later than three weeks from the entry of this Order, Amazon.com may amend its claims and counterclaims in Civil Action No. 09-178 to include additional Discovery corporate entities as parties and/or to correct the identity of the named Discovery corporate defendant;

7. Fact discovery for the consolidated action, Civil Action No. 10-600, will close on January 31, 2011, and this date will supersede the current fact discovery cut-off imposed in Civil Action No. 09-178.

Dated: August 12, 2010

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

POTTER ANDERSON & CORROON
LLP

/s/ Jeffrey T. Castellano

Elena C. Norman (No. 4780)
Jeffrey T. Castellano (No. 4837)
The Brandywine Building
1000 West Street, 17th floor
Wilmington, DE 19801
(302) 571-6600
enorman@ycst.com
jcastellano@ycst.com

/s/ David E. Moore

Richard L. Horwitz (No. 2246)
David E. Moore (No. 3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

OF COUNSEL:

Michael A. Jacobs
Richard S.J. Hung
Deok Keun Matthew Ahn
Patrick J. Zhang
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105
(415) 268-7000

*Attorneys for Plaintiff
Discovery Communications, Inc.*

OF COUNSEL:

Josh A. Krevitt
Y. Ernest Hsin
Sarah E. Piepmeier
200 Park Avenue
New York, NY 10166
(212) 351-4000

*Attorneys for Defendant
Amazon.com, Inc.*

SO ORDERED this ____ day of _____, 2010.

United States District Judge